

# **Town Board Minutes**

## **Meeting No. 2**

### ***Special Meeting***

**January 16, 1996**

MEETINGS TO DATE 2  
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LANCASTER, NEW YORK  
JANUARY 16, 1996

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 16th day of January 1996, at 6:30 P.M. and there were

PRESENT: ROBERT H. GIZA, SUPERVISOR  
DONALD E. KWAK, COUNCIL MEMBER  
JOHN T. MILLER, COUNCIL MEMBER  
MARK A. MONTOUR, COUNCIL MEMBER  
DONNA G. STEMPIAK, COUNCIL MEMBER  
REBECCA ANDERSON, PLANNING BOARD CHAIRMAN  
FRANK M. DE CARLO, PLANNING BOARD MEMBER  
JOHN P. GOBER, PLANNING BOARD MEMBER  
MILDRED F. WHITTAKER, PLANNING BOARD MEMBER

ABSENT: DAVID MARRANO, PLANNING BOARD MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER  
MELVIN H. SZYMANSKI, PLANNING BOARD MEMBER

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
RICHARD J. SHERWOOD, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
ROBERT H. LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for a State Environmental Quality Review of one action.

**IN THE MATTER OF THE SEQR REVIEW OF THE  
NIAGARA LUTHERAN HOME REZONE PETITION  
and  
NIAGARA LUTHERAN HOME SITE PLAN REVIEW**

The Municipal Review Committee then proceeded with the Environmental Assessment on the proposed Niagara Lutheran Home rezone petition and site plan review matter with an item for item review and discussion of the project impact and magnitude as outlined on a Full Environmental Assessment Form Part 2 which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEPNIAK  
WHO MOVED ITS ADOPTION, SECONDED BY  
PLANNING BOARD MEMBER GOBER, TO WIT:

RESOLVED, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION**

**NIAGARA LUTHERAN HOME REZONE PETITION  
and  
NIAGARA LUTHERAN HOME SITE PLAN REVIEW**

**NEGATIVE DECLARATION**

PLEASE TAKE NOTICE, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is a Type 1 action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.11, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.10.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard A. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 52.7± acres. The location of the premises being reviewed is on the south side of Broadway, west of Pavement Road and is locally known as 5949 Broadway.

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, has found the proposed action impacts to be as follows:

1. The proposed action will result in a small to moderate physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will have a small to moderate affect on a water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.

5. The proposed action will have a small to moderate affect on surface or ground water quality or quantity.
  - a) It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action will have a small to moderate affect on threatened or endangered species.
9. The proposed action will not substantially affect non-threatened or endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action will not impact any site or structure of historic, pre-historic or paleontological importance.
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The proposed action will not impact on the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to Subdivision 6 NYCRR 617.14 (g)
15. The proposed action will have a small to moderate affect on existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will be some small to moderate objectional odors, noise, or vibration as a result of this proposed action during construction only..
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate affect on the character of the existing community.
20. There is not, or is there likely to be, public controversy related to potential adverse environmental impacts.

s/s

Robert H. Giza, Supervisor  
Town of Lancaster

January 17, 1996

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

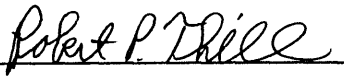
The question of the adoption of the foregoing Notice of Determination was duly put to a vote on roll call which resulted as follows:

SUPERVISOR GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
PLANNING CHAIRMAN ANDERSON	VOTED YES
PLANNING BOARD MEMBER DE CARLO	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER MARRANO	WAS ABSENT
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	WAS ABSENT
PLANNING BOARD MEMBER WHITTAKER	VOTED YES

The Notice of Determination was thereupon unanimously adopted.  
January 17, 1996

**ADJOURNMENT:**

ON MOTION DULY MADE, SECONDED AND CARRIED, this meeting was adjourned at 6:55 P.M.

  
Robert P. Thill, Town Clerk

# **Town Board Minutes**

## **Meeting No. 3**

### ***Regular Meeting***

**January 16, 1996**

MEETINGS TO DATE 3  
NO. OF REGULARS 2  
NO. OF SPECIALS 1

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LANCASTER, NEW YORK  
JANUARY 16, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of January, 1996 at 12:30 P.M. and there were

**PRESENT:** DONALD E. KWAK, COUNCIL MEMBER  
JOHN T. MILLER, COUNCIL MEMBER  
MARK A. MONTOUR, COUNCIL MEMBER  
DONNA G. STEPNIAK, COUNCIL MEMBER  
ROBERT H. GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** ROBERT P. THILL, TOWN CLERK  
ROBERT H. LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
ROBERT L. LANEY, BUILDING INSPECTOR  
JOHANNA M. COLEMAN, RECEIVER OF TAXES  
CHRISTINE FUSCO, ASSESSOR  
NICHOLAS LOCICERO, DEPUTY TOWN ATTORNEY

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

RESOLVED, that the minutes from the Reorganizational and Regular  
Meeting of the Town Board held on January 1, 1996 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 16, 1996

File: RMIN (P1)



THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER STEMPNIAK ,  
TO WIT:

RESOLVED, that REBECCA J. ANDERSON, 493 Lake Avenue, Lancaster, New  
York, be and is hereby appointed Chairperson of the Town of Lancaster Planning  
Board for the period commencing January 1, 1996 to December 31, 1996.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MILLER, TO WIT:

WHEREAS, the Town of Lancaster, maintains a variety of records in the course of its normal business as well as records of particular historical value, and

WHEREAS, the Town Clerk as Records Management Officer (RMO) wishes to improve the storage, access, and disposition of the Town's records, and

WHEREAS, the State of New York passed the Local Government Records Management Improvement Fund Act (Chapter 78, Laws of 1989) which established a special fund that sustains a program of grants-in-aid to local governments for individual and cooperative programs to improve management of their records, and

WHEREAS, the Town Clerk as Records Management Officer (RMO) has prepared a grant-in-aid application to the New York State Education Department, State Archives and Records Administration, for the purchase and installation of a Geographic Information System for the cooperative use of a Municipal Consortium composed of the Town of Lancaster, Village of Lancaster and the Lancaster Central School District; and

WHEREAS, the utilization of this technology will enhance the information management and mapping capabilities of the Consortium,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized to submit an application to the New York State Education Department, State Archives and Records Administration, Local Government Records Management Improvement Fund, requesting a grant for the purchase of a Geographic Information System (GIS) for the Municipal Consortium, comprised of the Town of Lancaster, Village of Lancaster and the Lancaster Central School District, with the Town of Lancaster acting as lead agency for the Consortium.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTGOMERY	VOTED	YES
COUNCIL MEMBER STEPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Michael's Landing Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Michael's Landing Subdivision, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 382 - Water Line  
P.I.P. No. 383 - Pavement & Curb  
P.I.P. No. 384 - Storm Sewer

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. Receipt by the Town Clerk, within 45 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. Receipt by the Town Clerk, within 45 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File: RPIP (P8-9)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letter dated January 8, 1996, has requested the addition of the following member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the addition to the membership of the Town Line Volunteer Fire Department, Inc. of the following individual:

ADDITION

Robert Voelker  
320 Central Avenue  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER , TO WIT:

WHEREAS, ROBERT J. MILLER & ASSOCIATES, INC., Grants Development and Fund Raising Counsel, has tendered a proposal by letter dated January 8, 1996, and filed with the Town Clerk, setting forth its grants development services for the Town of Lancaster, and

WHEREAS, said Agreement has been approved and recommended by the Town Attorney;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes and directs the Supervisor to execute the beforementioned Proposal filed with the Town Clerk, by and between ROBERT J. MILLER & ASSOCIATES, INC., for grants development services for the Town, upon the terms and conditions set forth in said Proposal.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER KWAK, , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR , TO WIT:

WHEREAS, WILLIAM L. HOLCOMB ASSOCIATES, INC., Labor Relations Consultant and Negotiator, has tendered a proposed agreement by letter dated January 2, 1996, and filed with the Town Clerk, setting forth the scope of services for conducting and implementing negotiations with the Town's employee organizations; and

WHEREAS, said Agreement has been approved and recommended by the Town Attorney;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes and directs the Supervisor to execute the Agreement filed with the Town Clerk by and between WILLIAM L. HOLCOMB ASSOCIATES, INC., as Labor Relations Consultant and Negotiator for the Town for the period January 1, 1996 to December 31, 1998, upon the terms and conditions set forth in said Agreement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STERNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File:RCNINGTR.196

PREFILED RESOLUTION NO. 8 - MEETING OF 01/16/96

8. Giza/\_\_\_\_\_ Request New York State Thruway Conduct Feasibility Study  
Re: Relocation Of Williamsville Toll Barrier - AND -  
Petition New York State Legislature To Enact Legislation  
And Appropriate Funds Re: Relocation Of Williamsville Toll  
Barrier

At the request of Supervisor Giza, this resolution was  
withdrawn for further study.



THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER KWAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, by resolution dated October 18, 1976, adopted a resolution setting forth the policy and procedures for Employee Health Insurance Benefits to be provided to current and retired employees of the Town of Lancaster, and

WHEREAS, the sponsor of this resolution desires to amend the policy and procedures for Employee Health Insurance Benefits to provide coverage for the position of Deputy Town Attorney,

NOW, THEREFORE, BE IT

RESOLVED, that the policy and procedures for Employee Health Insurance Benefits, as adopted by the Town Board of the Town of Lancaster on October 18, 1976, be and are hereby amended as follows:

Section 1: That the Deputy Town Attorney is deemed a "Regular Employee" who works twenty (20) hours or more a week on a regular basis and occupies a position in Town service which regularly and customarily requires services twenty (20) hours or more a week on an annual basis.

Section 2: This resolution shall take effective retroactive to January 1, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTGOMERY	VOTED	YES
COUNCIL MEMBER STERNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File: RAMENDED (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MILLER, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster, by resolution dated December 20, 1976, adopted a Group Life Insurance Plan for all qualifying employees of the Town of Lancaster, and

WHEREAS, the sponsor of this resolution desires to amend the policy and procedures for Employee Life Insurance Benefits to provide coverage for the position of Deputy Town Attorney,

NOW, THEREFORE, BE IT

RESOLVED, that the policy and procedures for Employee Group Life Insurance Benefits, as adopted by the Town Board of the Town of Lancaster on December 20, 1976, be and are hereby amended as follows:

Section 1: That the Deputy Town Attorney is deemed a "Regular Employee" who works twenty (20) hours or more a week on a regular basis and occupies a position in Town service which regularly and customarily requires services twenty (20) hours or more a week on an annual basis.

Section 2: This resolution shall take effective retroactive to January 1, 1996.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File: RAMENDED (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER MILLER , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
MONTOUR , TO WIT:

At a regular meeting of the Town Board  
of the Town of Lancaster, Erie County,  
New York, held at the Lancaster Town  
Hall, 21 Central Avenue, Lancaster, New  
York, in said Town on the 16th day of  
January, 1996, at 8:00 o'clock P.M.,  
prevailing time.

PRESENT:

Robert H. Giza, Supervisor  
Donald E. Kwak, Council Member  
John T. Miller, Council Member  
Mark A. Montour, Council Member  
Donna G. Stempniak, Council Member

In the Matter  
of

The Petition of Bowmansville Volunteer Fire  
Association, Inc., for consent of the Town  
Board of the Town of Lancaster of the proposed  
issuance by the Bowmansville Volunteer Fire  
Association, Inc., of an obligation to the  
Midwest Bankers Group, Inc., for the lease/  
purchase of One KME Rescue Truck.

ORDER CALLING  
PUBLIC HEARING

WHEREAS, the Bowmansville Volunteer Fire Association, Inc. is a  
qualified fire department with respect to an area within the jurisdiction of  
this Town as such term is defined by 26 USCS Sec.150(e)(2), the same being  
organized and operated to provide firefighting or emergency medical treatment  
services for persons within the Town of Lancaster which is not provided by any  
other firefighting services and which is required by written agreement with  
the Town of Lancaster to furnish firefighting services in said area; and

WHEREAS, Bowmansville Volunteer Fire Association, Inc., has  
contracted for the purchase of a KME Rescue Truck to be garaged at 36 Main  
Street, Bowmansville, New York, and to utilized for firefighting or emergency  
services for persons within the jurisdiction of the Town of Lancaster; and

WHEREAS, the proposed method of financing a portion of the cost of  
said acquisition consists of the issuance of obligations of said Bowmansville  
Volunteer Fire Association, Inc., maturing in annual installments over a  
period not exceeding twenty years, to be paid from receipts of the department  
sufficient to pay the principal of and interest of said obligations as the  
same become due and payable, in the manner provided by law; and

WHEREAS, the maximum amount of obligations to be issued by  
Bowmansville Volunteer Fire Association, Inc., with respect to said  
acquisition is estimated to be \$190,000.00; and

WHEREAS, Midwest Bankers Group, Inc., has agreed to purchase the  
obligation intending to be issued by the Bowmansville Volunteer Fire  
Association, Inc., with respect to said acquisition; and

WHEREAS, it is the desire of the Bowmansville Volunteer Fire  
Association, Inc., to have such obligation treated as a bond of a political  
subdivision of a state pursuant to the provisions of 26 USCS Sec. 150 (e); and

WHEREAS, it is necessary, in compliance with 26 USCS Sec. 147(f), to  
obtain the approval of the elected legislative body of this town after a  
public hearing following reasonable public notice, for said action; and

WHEREAS, it is now desired to call a Public Hearing upon the question of the petition of the Bowmansville Volunteer Fire Association, Inc., for consent of the Town Board of the Town of Lancaster for the proposed issuance by the Bowmansville Volunteer Fire Association, Inc., of an obligation to the Midwest Bankers Group, Inc., for the purchase of said KME Rescue Truck, all pursuant to applicable state and federal statute;

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Lancaster, Erie County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Lancaster, Erie County, New York, shall be held at the board room of the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, in said Town, on the 5th day of February, 1996, at 8:00 o'clock P.M., prevailing Time, for the purpose of holding a public hearing to consider the petition of the Bowmansville Volunteer Fire Association, Inc., for consent of the Town Board of the Town of Lancaster of the proposed issuance by the Volunteer Fire Association, Inc., of an obligation to Midwest Bankers Group, Inc., for the purchase of said KME Rescue Truck in the maximum principal amount of \$190,000.00, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said town board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in the Lancaster Bee, the official newspaper of said town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten (10) nor more than twenty (20) days before the day set for the hearing as aforesaid.

Section 3. This Order shall take effect immediately.

Robert H. Giza, Supervisor  
Donald E. Kwak, Council Member  
John T. Miller, Council Member  
Mark A. Montour, Council Member  
Donna G. Stempniak, Council Member

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

PREFILED RESOLUTION NO. 12 - MEETING OF 01/16/96

12. Stempniak/\_\_\_\_\_ Set Public Hearing Amend Zoning Ordinance Re: Map Change  
Niagara Lutheran Home & Rehabilitation Center South Side  
Of Broadway East Of Cemetery Road.

At the request of Council Member Stempniak, this  
resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER  
MILLER , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

Claim No. 6001 to Claim No. 6225 Inclusive

Total amount hereby authorized to be paid: **\$567,604.63**

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter dated January 11, 1996, has requested the deletion of members to the active roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the deletion from the membership of the Twin District Volunteer Fire Company, Inc. of the following individuals:

DELETIONS

Andrew Harhigh  
1172 Penora St  
Depew, New York 14043

Scott Parker  
84 Southpoint Drive  
Lancaster, New York 14086

Kenneth Pezdek  
4905 William St  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER MILLER WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL MEMBER  
STEMPNIAK , TO WIT:

WHEREAS, Benderson Development Co., Inc., 570 Delaware Avenue, Buffalo, New York, the owner of property on the southeast corner of Transit Road and Wehrle Drive in the Town of Lancaster, and

WHEREAS, Benderson Development Co., Inc. has made a request to the Erie County Department of Environment and Planning to be an "out of district" customer in Erie County Sewer District No. 4, and

WHEREAS, the County of Erie has advised the developer that it will be necessary to contract with Erie County Sewer District No. 5 in the Town of Clarence and further advised the developer to obtain permission from the Town of Lancaster to become an out-of-district customer to Sewer District No. 5, and

WHEREAS, the Town Board of the Town of Lancaster has reviewed this request and has no objection thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby grants permission for Benderson Development Co., Inc., to become an "Out-of-District" customer to Sewer District No. 5 in Clarence, for service to be limited to its property located at the southeast corner of Transit Road and Wehrle Drive in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 16, 1996

File: RODSWR4.196



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER KWAK. WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the following Building Permit Applications be  
and are hereby approved and the issuance of these Building Permits be and are  
hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the  
Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
3106		Patricia Sciarrino	308 Pleasant View Dr	Rem. Sin. Dwlg
3107		Woodbridge Const	11 Ryan St	Er. Sin. Dwlg
3108		D & G Builders Inc	8 Clermont Ct	8 Clermont Ct
3109		Awnings Plus	5379 Genesee St	Er. Sign

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded  
(SW) for sidewalk waiver be and are hereby approved with a waiver of the  
provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires  
sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTOUR	VOTED	YES
COUNCIL MEMBER STEMPNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

Supervisor Giza requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
SUPERVISOR GIZA, WHO MOVED ITS ADOPTION,  
SECONDED BY COUNCIL MEMBER KWAK ,  
TO WIT:

WHEREAS, MEALS ON WHEELS OF BUFFALO & ERIE COUNTY, INC., has requested the use of space at the Senior Citizens Center in accordance with the terms outlined in its Letter Agreement dated January, 1996, and on file in the Town Clerk's Office, and

WHEREAS, the Town Attorney has reviewed said Agreement and has no objection thereto;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute the beforementioned Letter Agreement on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER MILLER	VOTED	YES
COUNCIL MEMBER MONTGOMERY	VOTED	YES
COUNCIL MEMBER STERNIAK	VOTED	YES
SUPERVISOR GIZA	VOTED	YES

January 16, 1996

COUNCIL MEMBER MILLER REQUESTED A SUSPENSION  
OF THE NECESSARY RULE FOR IMMEDIATE  
CONSIDERATION OF THE FOLLOWING RESOLUTION  
- , SUSPENSION  
GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER MILLER WHO REQUESTED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER KWAK

WHEREAS, the Police Chief of the Town of Lancaster has requested the creation of two (2) additional positions of Police Officer, full-time, in the Police Department of the Town of Lancaster, and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates two (2) additional positions of Police Officer, full-time, in the Police Department of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that two (2) additional positions of Police Officer, full-time, in the Police Department of the Town of Lancaster have been created.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEPHENS	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 16, 1996

COUNCIL MEMBER MILLER REQUESTED A SUSPENSION  
OF THE NECESSARY RULE FOR IMMEDIATE  
CONSIDERATION OF THE FOLLOWING RESOLUTION  
- , SUSPENSION  
GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER MILLER WHO REQUESTED ITS  
ADOPTION, SECONDED BY COUNCIL MEMBER KWAK

WHEREAS, the Police Chief of the Town of Lancaster, by memorandum dated January 16, 1996, to the Supervisor has recommended the appointment of William J. Karn Jr., and Mark D. Fowler, and William D. Loewer to the position of Town of Lancaster Police Officer

NOW, THEREFORE, BE IT

**RESOLVED AS FOLLOWS:**

SECTION 1: That William J. Karn Jr., 5676 Broadway, Lancaster, New York 14086 be and hereby is appointed to the position of Police Officer in the Town of Lancaster Police Department, effective February 5, 1996, at a starting salary as set forth in the current Police Benevolent Association Contract.

SECTION 2: That Mark D. Fowler, 7 Nashua Court, Lancaster, New York 14086 be and hereby is appointed to the position of Police Officer in the Town of Lancaster Police Department, effective February 5, 1996, at a starting salary as set forth in the current Police Benevolent Association Contract.

SECTION 3: That William D. Loewer, 458 L Central Avenue, Lancaster, New York 14086 be and hereby is appointed to the position of Police Officer in the Town of Lancaster Police Department, effective February 5, 1996, at a starting salary as set forth in the current Police Benevolent Association Contract.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 16, 1996

COMMUNICATIONSDISPOSITION

- |  |  |
|--|--|
| 14. Town Clerk to Supervisor -<br>Monthly report for December 1995.  | R & F  |
| 15. Town Clerk to MEDIA -<br>Notice of SEQR meeting to be held 1/16/95 re:<br>Niagara Lutheran Home rezoning petition.   | R & F  |
| 16. Twin District V.F.C. to Supervisor -<br>Notice of fire company's acceptance of fire<br>protection contract with Town for 1996.   | PUBLIC SAFETY<br>COMMITTEE                   |
| 17. Donald Gallo to Town Board -<br>Transmittal of agenda and minutes of meeting<br>held 12/27/95 re: Westwood Park project.   | R & F  |
| 18. Krehbiel Associates to Supervisor -<br>Note of congratulations on election and offer of<br>services.   | R & F  |
| 19. Wendel to Town Board -<br>Transmittal of minutes of meeting held 12/27/95<br>re: Youth Bureau project.   | R & F  |
| 20. WITHDRAWN  |  |
| 21. Burke Builder to Council Member Kwak -<br>Transmittal of documentation re: acceptance of<br>public improvements within Hunters Creek North<br>Subdivision.                                 | R & F  |
| 22. ECDEP to Benderson Development Co. -<br>Response to letter requesting Out-of-District<br>user status for S/E corner of Transit Rd. and<br>Wehrle Dr.                                       | R & F  |
| 23. William L. Holcomb Associates, Inc. to Supervisor -<br>Submittal of proposal re: employee organizations<br>and consulting services.  | R & F  |
| 24. Highway Supt. to Town Board -<br>Request Petty Cash Fund be increased to \$300.00.   | TOWN ATTORNEY                                |
| 25. NYS Off. of Real Property Services to Assessor -<br>Notification of certification as State Certified<br>Assessor.  | R & F  |
| 26. NYS Comm. on Cable Television to Supervisor -<br>Advisement that as of 1/1/96 the Commission on<br>Cable Television will be merged with the NYS<br>Dept. of Public Service.                | CABLE TV<br>COMMITTEE                        |
| 27. Police Chief to Town Attorney, NYS Dept. of Motor<br>Vehicles and NYSDOT -<br>Request assistance in resolving issues<br>surrounding traffic control at Tops Markets<br>warehouse facility. | PUBLIC SAFETY<br>COMMITTEE                   |
| 28. Town Engineer to Town Board -<br>Request budget line transfer to increase salary<br>of Construction Inspector.   | TOWN ATTORNEY<br>HUMAN SERVICES<br>COMMITTEE |
| 29. Donna Stempniak to Town Board -<br>Notice of resignation from position of Planning<br>Board member effective 1/1/96.   | R & F  |
| 30. Town Line V.F.D. to Town Board -<br>Notification of new member added to roster.  | R & F  |
| 31. Town Engineer to Town Board -<br>Recommend acceptance of storm sewer, pavement and<br>curbs, and water line public improvements within<br>Michael's Landing Subdivision.                   | R & F  |

COMMUNICATIONSPage 87  
DISPOSITION

- |   |                                      |
|---|--------------------------------------|
| 32. ECDEP to Town Attorney -<br>Results of SEQR review re: Niagara Lutheran Home<br>rezoning petition.  | R & F                                |
| 33. Town of Newstead to Town Board -<br>Notice of public hearing to be held on 1/22/96<br>re: "Local Law No. 1 of 1996" entitled "Amendment<br>to the Zoning Law of the Town of Newstead".                        | TOWN ATTORNEY                        |
| 34. Town of Newstead to Town Board -<br>Notice of public hearing to be held on 1/22/96<br>re: "Local Law No. 2 of 1996" entitled "Storm-<br>water Management and Erosion Control Law of the<br>Town of Newstead". | TOWN ATTORNEY                        |
| 35. Planning Board to Town Board -<br>Minutes from meeting held 1/3/96.   | R & F                                |
| 36. Town Clerk to Town Board -<br>Transmittal of Special Use Permit application of<br>Suzan Palumbo for a Home Occupation (beauty<br>salon on Brunck Rd.)   | TOWN ATTORNEY FOR<br>PUBLIC HEARING  |
| 37. Depew Village Clerk to Assessor -<br>Notice that Grievance Day is to be held 2/20/96.   | R & F                                |
| 38. Buffalo Bisons to Supervisor -<br>Request meeting to discuss benefits of a<br>Lancaster Community night.  | PARKS AND<br>RECREATION<br>COMMITTEE |
| 39. Safety Comm. Chair. to Town Board -<br>Minutes from meeting held 12/21/95.  | R & F                                |
| 40. John MacCarone to Supervisor -<br>Request position with Recreation Commission.  | R & F                                |
| 41. Ruth A. Herrnreiter and Doris Magner to Town Board -<br>Request consideration be given to upgrading<br>Mark Perrillo's job title.   | R & F                                |
| 42. ECDEP to Supervisor -<br>Transmittal of SEQR Negative Declaration re:<br>ECSD No. 4, Depew Pumping Station, Overflow<br>Retention Facility.   | R & F                                |
| 43. Twin District V.F.C. to Town Clerk-<br>Request deletion of members from roster.   | R & F                                |
| 44. Francesco Caico to Supervisor -<br>Request appointment to position of Member,<br>Planning Board or any other board.   | R & F                                |
| 45. Depew/Elma/Lancaster Chamber of Commerce to Town<br>Board -<br>Notice of meeting 1/23/96.   | R & F                                |
| 46. Town Clerk to Planning Board -<br>Transmittal of rezoning petition of Bella Vista<br>Group for premises on Transit Rd.  | PLANNING AND<br>ZONING COMMITTEE     |

PERSONS ADDRESSING TOWN BOARD:

**Syner, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

Suggested that the Town Board instruct responsible officials to enforce town specifications which prohibit dead ends in new road construction.

**Schneeggenburger, Roy**, 87 Stony Road, spoke to the Town Board on the following matters:

Thanked the Town Board for lower speed limit & weight limits on Stony Road.

Alleged trespass of Adams Nurseries on the Krieger property on Genesee Street.

Access to public records under the Freedom of Information Law.

**Braun, Elsie**, 5984 Genesee Street, spoke to the Town Board on the following matter:

Complained that there are junk cars and old tires on the property of the Hull house on Genesee Street.

**Juszcak, Joseph**, 600 Pleasant View Drive, spoke to the Town Board on the following matters:

Turn arounds for plows on dead end streets

Why was a Deputy Town Attorney hired when the former board did not need one.

**Palmeri, Kandy**, 5815 Genesee Street, spoke to the Town Board on the following matter:

Alleged trespass of Adams Nursery on the Krieger property on Genesee Street.

**Krieger, Betty**, 5819 Genesee Street, spoke to the Town Board on the following matter:

Denied that either she or her deceased husband gave Adams Nursery permission to move a building across their property.

**Joseph, Dorothy**, 5962 Genesee Street, spoke to the Town Board on the following matters:

Status of Comprehensive Plan.

Inspection at the Tops site.

Clean up at the Hull house on Genesee Street.

Relocation of Williamsville toll barrier to an area east of Ransom Road.

**Baehre, David**, 5755 Genesee Street, spoke to the Town Board on the following matter:

Elimination of Williamsville toll barrier to an area east of Ransom Road.

**Kubicki, Gloria**, 15 Maple Drive, spoke to the Town Board on the following matter:

Requested that the concept of provisional rezones be reintroduced into the Town Zoning Code.

**Bielman, Jack**, 19 Inwood Place, spoke to the Town Board on the following matter:

Expressed serious concerns about future traffic problems on Genesee Street due to the Tops site.

**Jankowiak, Mark**, 1318 Ransom Road, spoke to the Town Board on the following matters:

Expressed opposition to movement of Williamsville toll barrier.

Urged completion of Master Plan.

**Moessinger, Debbie**, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed support of concept for a consultant to look over the affairs of the Parks and Recreation Department.

**Dale, David**, 5121 Ransom Road, spoke to the Town Board on the following matters:

Moratorium on new building permits.

Public input of TV Cable Contract renewal.

Clean up at Hunters Creek North Subdivision site.

Better notification to public on subdivision matters.

**ADJOURNMENT:**

ON MOTION OF SUPERVISOR GIZA, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 10:05 P.M. out of respect to:

JAMES GRECO

Signed Robert P. Thill

Robert P. Thill, Town Clerk